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October 7, 2004

The Honorable Michael Leavitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460

Dear Administrator Leavitt,

I am writing to support the concerns of Citizens for a Safe East Fiftieth Street, who have written to you about the Metropolitan Transportation Agency's (MTA) plans to construct a utility building on East 50th Street between Madison and Park Avenues in Manhattan in connection with the East Side Access project (copy enclosed). While I strongly support East Side Access, which will be a boon to tens of thousands of commuters from Long Island and Queens, and a great benefit to local businesses, I am concerned that the MTA's design for this particular facility could pose an environmental risk to thousands of workers and pedestrians.

The MTA proposes to build a sixteen story utility building -- including back-up fuel tanks and generators, ventilation discharge and intake vents, cooling towers and loading docks -- in the heart of midtown Manhattan, directly across from the Palace Hotel, around the corner from St. Patrick's Cathedral and between two large commercial office buildings. The MTA initially proposed spreading its utility functions across several locations around the East Side, and prepared its EIS based on that plan. Subsequently, it decided to concentrate the utilities in one location. The community argues that by combining all the utility functions at this one central location, the environmental impact will be significant. I understand that the three cooling towers will emit heavily polluted effluent into a canyon formed by the surrounding buildings, directly impacting the air intake systems of the adjoining buildings, as well as the sidewalks due to downdrafts. I am told that additional dust, smoke, pollutants (including PCBs) and noise from the exhaust vents, traffic and construction will add to the problem.

Ordinarily in a construction project such as this one, the transportation agency would be required to do an extensive study of the impact of a facility such as this one on the community and outline any mitigation necessary as part of an Environment Impact Statement. In this case, the MTA and the Federal Transit Administration are attempting to avoid doing a full-scale study of the impact of this facility, arguing that the consequences of the change are so small that no Supplemental Environmental Impact Statement is required. Instead they have prepared a 3 ½ page memorandum. The adequacy of this memorandum is currently the subject of litigation.


Please review the concerns presented by the Citizens for a Safe East Fiftieth Street and advise me as to your conclusions, consistent with all applicable rules and regulations. In particular, I would

appreciate it if you would advise me:

- (i) whether you agree that no Supplemental Environmental Impact Statement is needed,
- (ii) whether there are any rules governing the juxtaposition of intake and exhaust ventilation systems in adjacent buildings; and
- (iii) what testing the community could request to ensure that the neighborhood does not experience any conditions that could lead to adverse health consequences as a result of the construction and/or operation of this facility.

Thank you for your attention to these concerns.

Very truly yours,


CAROLYN B. MALONEY
Member of Congress

CBM/mre

Please reply to: 1651 Third Avenue, Suite 311, New York, NY 10128

cc: Citizens for a Safe East Fiftieth Street
Governor Pataki
Mayor Bloomberg
Metropolitan Transportation Authority Chairman Peter Kalikow
Community Board 5
Community Board 6
City Council Speaker A. Gifford Miller
Manhattan Borough President C. Virginia Fields
State Senator Liz Krueger
Assemblyman Jonathan Bing
City Councilwoman Eva Moskowitz
EPA Regional Administrator James Kenny
NYC Department of Environmental Protection Commissioner Christopher Ward
Turtle Bay Association
East 79th Street Neighborhood Association
Sutton Area Community
Municipal Art Society
Civitas